

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 4390PTWO/AG/la	FOR FURTHER ACTION	
See Form PCT/IPEA/416		
International application No. PCT/EP2004/052456	International filing date (<i>day/month/year</i>) 06.10.2004	Priority date (<i>day/month/year</i>) 07.10.2003
<p>International Patent Classification (IPC) or national classification and IPC B29C45/72, B29C49/64</p> <p>Applicant S.I.P.A. SOCIETA INDUSTRIALIZZAZIONE ...</p>		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 2 sheets, as follows:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application 		
Date of submission of the demand 25.07.2005	Date of completion of this report 04.10.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Ingelgard, T. Telephone No. +49 89 2399-7249	



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-16 as originally filed

Claims, Numbers

1-12 received on 05.09.2005 with letter of 31.08.2005

Drawings, Sheets

1/22-22/22 as originally filed

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-12
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-12
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-12
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V.

5.1 The document US6143225 is regarded as being the closest prior art to the subject-matter of claims 1 and 8, and shows:

A conditioning device for plastic preforms comprising a turret, having at least one face provided with a plurality of cavities for conditioning the preforms, the cavities being adapted for holding in their inside said preforms, the turret being fixed to a supporting structure with motor means adapted to make the turret carry out spatial movements; and **A process for conditioning** plastic preforms using the device as claimed in claim 1, wherein several preforms are moulded in an appropriate mould comprising several mould cavities where the preforms remain until the plastic reaches a specific consistency and, then, are ejected when they are still warmer than room temperature, the process comprising the following stages:

- a) Transferring the preforms to a location outside the mould,
- b) Inserting the preforms in corresponding cavities of the turret,
- c) Cooling the preforms until they reach a second, predefined temperature,
- d) Making the turret pivot around a substantially horizontal axis.

The subject-matter of claims 1 and 10 differ from the known device and method in that:

- said turret has a structure comprising a first bar in the shape of a parallelepiped, a second bar parallel to the first bar, one or more substantially rectangular plates characterised in that the one or more substantially rectangular plates are exchangeable, have a thickness smaller than that of said first and second bars, are supported at one end by the first bar, at a second end by the second bar and are comprised in said at least one face; and
- that there are provided the stages of:
 - e) making the turret translate vertically to a lower position,
 - f) removing the preforms from the cavities by means of gripping means provided on an unloading table.

The subject-matter of claims 1 and 8 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as how to provide a structurally strong turret, a turret designed in a modular way allowing preforms having

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(SEPARATE SHEET)**

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different dimensions and to allow different numbers of preforms.

The solution to this problem proposed in claims 1 and 10 of the present application is considered as involving an inventive step (Article 33(3) PCT) as the solution provided by claim 1 is neither known nor fairly suggested by the prior art.

5.2 Claims 2-7 and 9-12 are dependent on claims 1 and 8, and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VII.

7.1 According to the requirements of Rule 10.2 PCT, the terminology shall be consistent throughout the application. This requirement is not met in view of the use of the expressions in the claims compared to the corresponding parts of the description (ie the statement of the invention). Preferably exactly the same terminology is used everywhere. If possible this terminology should correspond to the terminology used in the priority documents if not leading to clarity problems.

7.2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents US6143225 and US2003/003187 A1 is not mentioned in the description, nor are these documents identified therein.